

LR 3 COMMENCEMENT OF ACTION (See Fed. R. Civ. P. 3)

LR 3.1 Format for Pleadings and Documents (See LR 10)

LR 3.2 Places of Holding Court (See 28 U.S.C. § 117)

The court is open to receive filings and conduct judicial business in Portland, Eugene, and Medford.

LR 3.3 Divisions of Court

The following divisions of court are established to distribute the judicial work and to align counties for juror management purposes:

(a) Portland Division

Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

(b) Pendleton Division

Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

(c) Eugene Division

Benton, Coos, Deschutes, Douglas, Lane, Lincoln, Linn, and Marion.

(d) Medford Division

Curry, Jackson, Josephine, Klamath, Lake.

LR 3.4 Place of Filing (See LR 77.1)

(a) New Actions

(1) Portland Clerk's Office

Cases arising from counties within either the Portland or Pendleton Divisions will be filed in Portland.

(2) Eugene Clerk's Office

Cases arising in counties within the Eugene Division will be filed in Eugene.

(3) Medford Clerk's Office

Cases arising in counties within the Medford Division will be filed in Medford.

(b) Subsequent Papers

Unless otherwise directed by the court, subsequent papers will be filed and the case file will be maintained where the case was originally filed.

(c) Case Reassignments to Another Division

If a case is filed in any division other than the one required by LR 3.4(a), then the judge may reassign the case to the appropriate division on their own motion, or that of any party. When such an order is entered, the clerk will transfer the case file to the receiving division, and the parties must then file all subsequent papers in the new division.

LR 3.5 Place of Trial

- (a) **Usual Place of Trial** (See LR 3.4)
Unless otherwise directed by the court, cases will be tried in the city in which the case file is maintained.
- (b) **Pendleton**
Upon motion of any party, the court may order that a case be tried in Pendleton.
- (c) **Other Places for Conducting Trials**
In the interests of justice, the court may order that the case be tried at any other place within the district.

LR 3.6 Initial Filing Requirements

- (a) **Advance Payment Required** (See 28 U.S.C. § 1914(c))
Before a document can be accepted for filing — or before the clerk's office can provide any services covered under the Schedule of Fees adopted by the Judicial Conference of the United States — the filing party, or the person requesting services, must pay all required fees, or file an in forma pauperis application for waiver of fees pursuant to 28 U.S.C. § 1915(a).
- (b) **Applications to Proceed In Forma Pauperis** (See 28 U.S.C. § 1915)
The clerk is directed to conditionally grant an application to proceed in forma pauperis and not delay the filing, assignment, and statistical opening of any civil action pending final review and decision on the application by the court.

Advisory Notes	
1.	JS-44 Civil Cover sheet Required (See Appendix of Forms #1) A completed JS-44 Civil Cover sheet is required to be filed with every civil complaint, petition or other paper that initiates a civil action. Copies of the JS-44 Civil Cover sheet are available in the Portland, Eugene or Medford clerk's office.
2.	Jury Demand (See LR 38) Checking the G JURY DEMAND box on the JS-44 Civil Cover Sheet does not constitute a valid jury demand pursuant to LR 38 or Fed. R. Civ. P. 38(b).

LR 3.7 Additional Service Requirements

- (a) **Case Management Scheduling Orders and Other Papers** (See LR 16)
At the time of filing, the clerk's office will issue a case management scheduling order, magistrate judge consent forms and information packets, information about the court's ADR programs, and a Notice of Judicial Assignment and Case Number.
- (b) **Responsibility to Serve**
Except as provided by 28 U.S.C. § 1915, the filing party is responsible for serving all documents issued by the clerk at the time of filing upon all named parties.

LR 3.8 Sealed Cases

(a) New Action

At the time a complaint is presented for filing, any party seeking to file the case under seal, must either:

- (1) File a motion and supporting memoranda requesting the court to seal the file. Pending the court's ruling on the motion to seal, the case file and records will be withheld from the public record; or
- (2) Provide a citation to the authorizing legislation (if any). Upon verification of the legislation, the case file and associated records will be sealed and withheld from the public record.

(b) Pending Action

A party seeking to place a pending case under seal must file an appropriate motion requesting the court to seal the file and all associated electronic records.

(c) Court's Responsibility

After reviewing the motion and supporting materials, the court will either:

- (1) Grant the motion and direct the clerk to file the case and all subsequent papers and electronic records under seal, and to limit future access to the sealed case to those individuals included in the order; or
- (2) Deny the motion and direct the clerk to file the case in the public records of the court.

(d) Access to Sealed Cases

Subsequent access to the sealed case will be regulated by controlling statute or court order.

LR 3.9 Sealed Documents

(a) Sealed Documents Generally

Portions of a document cannot be placed under seal. Instead, the entire document must be placed under seal in order to protect the confidential information.

(b) Filing a Document Sealed by Previous Court Order

When a previous court order authorizes the filing of a document or other materials under seal, the filing party must present the clerk with a copy of the court order and submit the materials in an envelope provided by the clerk's office marked "SEALED MATERIALS". In addition, all documents authorized to be filed under seal must have the words "AUTHORIZED TO BE FILED UNDER SEAL" typed directly below the document title.

(c) Motions to File a New Document Under Seal

Motions to file a new document under seal — even those offered by stipulation of the parties — will be handled as in camera submissions pursuant to LR 3.10

(d) Motion to Seal Previously Filed Documents

A party seeking to place under seal a document that is currently in the public record, must

file and serve a motion and proposed order pursuant to LR 3.9(e). Unless requested, the motion will be treated as a discovery motion pursuant to LR 26.5.

(e) Order to Seal Documents and/or Cases (See LR 79.2)

A proposed order to seal a document or case must include language that:

- (1) Identifies the persons authorized to review, copy, photograph, and/or inspect the sealed materials; and
- (2) Instructs the clerk whether the document should be excluded from the electronic docket as well as the public case file.

(f) E-Government Act of 2002

In accordance with this rule, and the E-Government Act of 2002, a party authorized to file a document under seal may file an unredacted document which will be retained by the court as part of the official record. At the court's direction, the filing party may also be required to file a redacted copy of the sealed document for inclusion in the public case file. (See LR 10.3)

LR 3.10

In Camera Submissions

(a) During Court Proceedings

Documents or other materials offered and accepted for in camera inspection during a court proceeding will be handled in accordance with LR 3.10(c).

(b) Tendered to the Clerk's Office

Documents tendered ex parte to the clerk's office for transmission to the court and subsequent in camera inspection, must be:

- (1) Accompanied by a transmittal letter or motion to the assigned judge requesting that the materials be reviewed in camera; and
- (2) Enclosed in a separate envelope provided by the clerk's office and marked:

**SEALED MATERIALS
For In Camera Inspection**

(c) Court Responsibility

After completing the in camera inspection, the court will direct the clerk's office to:

- (1) File the documents or materials in the public record; or
- (2) File the documents under seal with appropriate disclosure instructions to the clerk; or
- (3) Direct that the documents should be returned to the offering party with appropriate instructions.

(d) Order Regulating Subsequent Disclosure (See LR 3.9(e))

LR 3.11**Return of Sealed Documents to the Public Record****(a) Unsealing Documents and Cases**

Because the Federal Records Center prohibits storage of sealed records or documents, the clerk must unseal all documents and cases prior to shipment of any record to the Federal Records Center.

(b) Application to Return Sealed Documents

Therefore, not later than sixty (60) days after a case is closed, or within sixty (60) days after the conclusion of any appeal, any party may file and serve a motion to have the clerk return a sealed document.

(c) Authorization to Unseal Documents or Cases: Unless otherwise restricted by federal law, and absent an application pursuant to LR 3.11(b), the clerk is authorized to unseal all previously sealed civil documents and cases before a record is shipped to the Federal Records Center.

Amendment History to LR 3	
April 16, 2003	
LR 3.9	Amended to Comply with E-Government Act 2002

